

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BIG DADDY GAMES, LLC,

Plaintiff,

v.

Case No. 13-C-1430

LEJA DISTRIBUTING, INC., et al.,

Defendants.

ORDER GRANTING SANCTIONS

In this copyright action, Big Daddy Games, LLC sued Leja Distributing, Inc. and several other defendants for infringement. Among these was J & J Restaurants, Inc. The Plaintiff inquired about deposition dates for J & J's owner, but did not receive a response. It then noticed a deposition in Milwaukee. Neither the owner, nor her counsel, appeared. Upon inquiry it was revealed that J & J's counsel was in the process of withdrawing as counsel, and thus counsel did not appear even though the deposition had been on his calendar. J & J has not responded to the motion for sanctions.

Under Fed. R. Civ. P. 37(d), courts may issue sanctions for failing to appear for depositions. Here, there has been no response to the motion, and so no legitimate reason has been cited for failing to appear. Accordingly, the fees and costs sought in the motion will be granted. J & J Restaurants, Inc. and its law firm of record, Murphy Desmond SC, are ordered *each* to pay the Plaintiff the sum of \$1006.75, which represents its attorney's fees and costs. J & J Restaurants is also ordered to appear for a deposition at Plaintiff's counsel's law office in Manitowoc at a mutually

convenient time within the next 60 days. Failure to comply may result in additional sanctions, including entry of an adverse judgment.

SO ORDERED this 27th day of January, 2016.

/s William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court